

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
July 20, 2016

Call to Order: Chairperson Wendt called the July 20, 2016 Zoning Board of Appeals meeting to order at 7:30 pm at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

In attendance: Dean Baker
Denny Vallad
Skip Wendt
Bill Whitley

Absent: Virginia Fischbach

AGENDA:

Board member agree to proceed with agenda as presented.

PUBLIC COMMENT: None

CONSENT: Minutes of the June 15, 2016 meeting

Board member Whitley moved to APPROVE the minutes of June 15, 2016 meeting as presented. Supported by Board member Vallad. Vote yes: Baker, Vallad, Wendt, Whitley. Vote no: None. Absent: Fischbach. Motion approved.

RECONSIDERATION:

1. Reconsideration of June 15, 2016 denial of request by Harold McGraw, 8700 Shore Drive, Davisburg, 48350, P.I. #07-10-402-047

Ms. Dea McGraw introduced herself to the Board. She apologized for not appearing at the June 15, 2016 meeting. She explained that when she looked online, the Notice was shown, not the agenda. She provided a letter written by Chris Benedict which the Board received. Since the June meeting, the survey company has been out to the property three times each time adding more information to the survey and she provided that survey to the Board.

Chairperson Wendt asked what caused the change between what was originally approved and the request now.

Ms. McGraw stated that current survey shows 90 feet between the water and the septic field. She stated that the garage is 8 feet from the house and 8 feet from the lot line.

Board members confirmed that those were the dimensions shown on the survey that they received.

Ms. McGraw stated that the septic field was in the same position as Powell Engineering placed it, the house is in the same place and the only difference is the garage is separated from the house by 8 feet. They will build a fire wall into the garage for safety reasons. They wanted a bedroom window located on the garage side to allow for access in case of fire. She stated that there is also an issue with the DTE guidewires if the garage were attached. She pointed out parking that would be available on the property. She explained that the well location and the location of a whole house generator also created a need for the garage to be detached. She stated that every person on Shore Drive has a variance for a garage from 2 feet to 20 feet from the road. It is not possible to have 50 feet from the road and she pointed out several examples.

Chairperson Wendt asked when they would like to begin the project.

Ms. McGraw replied that they can start in August.

Board member Vallad stated that the survey is what they asked for because there was some question as to dimensions with the last presentation. The professional survey gives the accurate dimensions. These dimensions are less of a variance than what was asked for. They have received all of the information that they requested prior to the meeting.

Board member Whitley moved to approve the request for 8700 Shore Drive with the following variances: an 8.1 foot front setback rather than the 50 feet required by the ordinance, a 13.1 foot side setback on the south side of the structure and a 10 foot side setback on the north side of the structure instead of the 15 feet required by the ordinance and 60 feet from the high water mark on the south side and 90 feet from the high water mark on the east side rather than the 100 feet required by the ordinance as specified in the drawing presented to the Board tonight. The reasons given are the peculiar shape of the lot and size of the lot particularly the peculiar shape of the front lot line at the road and given that it is consistent with other properties in the neighborhood. Supported by Board member Baker. Vote yes: Baker, Vallad, Wendt, Whitley. Vote no: None. Absent: Fischbach. Motion approved.

NEW BUSINESS:

1. Request from Marcia Lennox, 10910 Bigelow Road for a variance to create two parcels resulting in one with a nine hundred and twenty-eight (928) foot access strip rather than the maximum length of six hundred and sixty (660) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-642.

The property that is the subject of the request is located at 10910 Bigelow Road in Springfield Township and is zoned R-2 One Family Residential. P.I. #07-10-100-031.

Chairperson Wendt stated that the Board members have been asked to table this item by the applicant due to personal hardship. He feels that it is reasonable to table this item. Board member Vallad and Whitley agreed that the request to table this request was reasonable.

Board member Whitley moved to table the request from Maria Lennox, 10910 Bigelow Road to one of the next three meetings held by the Board according to the request of the applicant given the personal hardship that they have encountered. Supported by Board member Vallad. Vote yes: Baker, Vallad, Wendt, Whitley. Vote no: None. Absent: Fischbach. Motion approved.

2. Request from Marjorie Garrison, 230 Broadway for the following variances to construct a deck and ramped access:
- a. Resulting in a front yard setback of forty two (42) feet rather than the fifty (50) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.
 - b. Resulting in a side yard setback of eleven (11) feet rather than the fifteen (15) feet required per Springfield Township Code of Ordinances, Chapter 40, Section 40-572.

The property that is the subject of the request is located at 230 Broadway in Springfield Township and is zoned R-3 One Family Residential. P.I. #07-17-202-003.

Marjorie Garrison introduced herself to the Board. She stated that because of health reasons, it is impossible for her to do steps so she is asking for the variance on the east side of the house for the ramp and while they are building that, the deck would be appreciated. She stated that the deck would still be further back than her neighbor to the west. There is adequate yard left and it would add to the house.

Chairperson Wendt asked if the variance was being brought about by the need to help Ms. Garrison from a health standpoint.

Ms. Garrison answered yes. They were told by the builder that they had to have two exits and then she found out from the Supervisor that this is not true. When they built the house, the access on the east side is the pantry, etc.

Board member Vallad stated that the request is reasonable given the physical restrictions of the inhabitants in the home. As indicated, the deck on Davisburg Road side is not at ground level, and he does not think it presents an issue. He stated that this is a reasonable request because it gives some continuity to the east and west entrances too. The house is not unreasonably large and it does not create an issue in relation to the neighbor's home. It is behind the front of the home next to it on Davisburg Road.

Board member Baker asked when she submitted her request for a building permit, was the deck and the access that is proposed part of that submission.

Ms. Garrison answered she does not think so.

Board member Baker stated that the home sits right on the setbacks. He asked if there was any intent to gain access with the doors and how was that planned to be done. Ms. Garrison replied that it was not discussed. When the house arrived, she realized that with her health problems, it was no longer applicable to have steps. That is why the ramps and the deck.

Board member Baker stated that this is the type of thing that is worked out in the planning phase of a house construction, but the house is now up and they are trying to figure out how to get in it. Variances are intended to focus on restrictions that the lot brings to the equation not necessarily the health of the person who owns the lot. The lot is encumbered by something. He is not hearing that in the rationale for the variances.

Ms. Garrison stated that it was planned that it would be dirt and this is not lasting and would wash away and it was more expensive to bring in stones so they went with this option.

Chairperson Wendt stated that the conditions of the land did not create the hardship or circumstances related to the land.

Board member Baker replied that he was hoping to hear more information about how this lot is too small to have an inhabitable structure in this zoning district. Some other element that would create some type of link to a means to granting variances that is related to true about this property that is not true of similar properties in this zoning district.

Mr. Ken Garrison, son of Marjorie, stated that the former house caught on fire and was removed. The former structure was 5 foot away from the property line to the east and now they would like it to be 11 feet. It is still further away from where it was before the fire. He stated that they considered earthen but there were issues like it wouldn't last. They wanted wood because it is smoother and has more appeal visually.

Board member Baker asked if he was saying that this is created less of an encumbrance than they had before.

Mr. Garrison replied yes. Many of the homes are nonconforming in the neighborhood and when it burned down, it had to fit into the site. He stated that with her handicap, a wood ramp would be best.

Ms. Mary Tebo, 242 Broadway, commented that she has no opposition to the variances requested. She stated that the front deck would make it aesthetically pleasing.

Board member Vallad stated that the existing garage has a zero setback.

Board member Vallad moved to grant applicant's request for a variance at 230 Broadway resulting in a front yard setback of 42 feet instead of the 50 feet required per Code of Ordinances per Section 40-572 and a side yard setback of 11 feet instead of the 15 feet required at the eastern property line given that the existing

garage already sits on the property line and the modification is in fact less than a former position of the house located five feet from that property line. Supported by Board member Whitley. Voted yes: Baker, Vallad, Wendt, Whitley. Voted no: None. Absent: Fischbach. Motion approved.

ADJOURNMENT:

Board member Whitley moved to adjourn the meeting at 8:03 pm. Supported by Chairperson Wendt. Voted yes: Baker, Vallad, Wendt, Whitley. Voted no: None. Absent: Fischbach. Motion approved.

Erin Mattice, Recording Secretary